UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/664,948	09/19/2000	Rainer Barth	67190/993896	5237

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EXAMINER
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ART UNIT	PAPER NUMBER
2153	

12

DATE MAILED: 09/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.		Applicant(s)	
Office Action Summary		09/664,948		BARTH, RAINER	
		Examiner		Art Unit	
		Kevin Parton		2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 July 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments, see Appeal Brief, filed 07/12/2004, with respect to the

independent claims have been fully considered and are persuasive. The finality of the

previous rejection has been withdrawn. Please see the new grounds of rejection below.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1 and 4-16 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Ghanime (USPN 6,591,296) in view of Levi et al. (USPN 6,477,667).

4.   Regarding claim 1, Ghanime (USPN 6,591,296) teaches a system for control of

devices comprising:

   a. A converter which associates predefined operating states on an

   individual basis to respective messages and/or alarms that, if one of

   the predefined operating states is present, the SMS message and/or

   and email about the one of the predefined operating states is sent to a

   predefined distribution group (column 3, lines 59-62; column 3, line 59

   – column 4, line 5).

   b. Means to associate each of the predefined operating states with: i) an

   address to whom the SMS message and/or email message is to be

sent and ii) information identifying particular information to be included in the SMS message and/or email message (column 4, lines 6-8, 20-34).

c. Wherein after one of the predefined operating states is detected, the respective message and/or alarm associated with the one of the predefined operating states is sent via the SMS message and/or email to the respective distribution group associated with the detected predefined operating state, the respective message and/or alarm including the particular information identified by the information associated with the detected predefined operating state (column 4, lines 6-8, 20-34).

Although the system disclosed by Ghanime (USPN 6,591,296) shows substantial features of the claimed invention, it fails to disclose specifically a table which associates each of the predefined operating states with a respective distribution group and information identifying particular information to be included in the message.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Ghanime (USPN 6,591,296), as evidenced by Levi et al. (USPN 6,477,667).

In an analogous art, Levi et al. (USPN 6,477,667) discloses a system for the remote monitoring of equipment and email notification of aberrations comprising a table which associates each of the predefined operating states with a respective distribution

group and information identifying particular information to be included in the message

(column 2, lines 36-37, 43-44; column 4, lines 31-39; column 5, lines 48-49, 60-61).

Given the teaching of Levi et al. (USPN 6,477,667), a person having ordinary skill

in the art would have readily recognized the desirability and advantages of modifying

Ghanime (USPN 6,591,296) by employing the use of a table to associate messages

and multiple addresses with a machine fault. This benefits the system by allowing

multiple users to be alerted to a single problem to bring a faster resolution. Also, the

use of the table allows for fast and reliable updating without a significant amount of

administrative work.

5.   Regarding claim 4, Ghanime (USPN 6,591,296) teaches all the limitations as

applied to claim 1. He further teaches an operating keyboard to effect the association

by editing (column 5, lines 36-40).

6.   Regarding claim 5, Ghanime (USPN 6,591,296) teaches all the limitations as

applied to claim 1. He further teaches means wherein the converter is configured to

initiate a bit poll, the bit poll for polling at least one system component for operation

state information (column 3, lines 40-46).

7.   Regarding claim 6, Ghanime (USPN 6,591,296) teaches all the limitations as

applied to claim 1. He further teaches means wherein the SMS message and/or the

email about the one of the predefined operating states is sent to the predefined address

when one of the predefined operating states arises (column 3, line 59 – column 4, line

5).

Although the system disclosed by Ghanime (USPN 6,591,296) shows substantial features of the claimed invention, it fails to disclose specifically means wherein the message is sent to a distribution group.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Ghanime (USPN 6,591,296), as evidenced by Levi et al. (USPN 6,477,667).

In an analogous art, Levi et al. (USPN 6,477,667) discloses a system for the remote monitoring of equipment and email notification of aberrations wherein the message is sent to a distribution group (column 4, lines 31-35).

Given the teaching of Levi et al. (USPN 6,477,667), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Ghanime (USPN 6,591,296) by employing multiple recipients in a distribution group. This benefits the system by allowing multiple users to be alerted to a single problem to bring a faster resolution.

8.   Regarding claim 7, Ghanime (USPN 6,591,296) teaches all the limitations as applied to claim 1. He further teaches means wherein each respective distribution group includes at least one person and/or distribution site (column 4, lines 2-5).

9.   Regarding claims 9 and 11, Ghanime (USPN 6,591,296) teaches a system for monitoring comprising:

    a. A converter which associates predefined operating states on an individual basis to respective messages and/or alarms (column 3, lines 59-62; column 3, line 59 – column 4, line 5).

   b. Means to associate each of the predefined operating states with: i) an

      address to whom the SMS message and/or email message is to be

      sent and ii) information identifying particular information to be included

      in the SMS message and/or email message (column 4, lines 6-8, 20-

      34).

   c. A transmitter configured to send the message and/or alarm associated

      with the one of the predefined operating states after the one of the

      predefined operating states is detected, the message and/or alarm

      being sent via the SMS message and/or email to the respective

      address associated with the detected predefined operating state, the

      respective message and/or alarm including the particular information

      identified by the information associated with the detected predefined

      operating state (column 4, lines 6-8, 20-34).

Although the system disclosed by Ghanime (USPN 6,591,296) shows substantial

features of the claimed invention, it fails to disclose specifically a table which associates

each of the predefined operating states with a respective distribution group and

information identifying particular information to be included in the message.

Nonetheless, these features are well known in the art and it would have been an

obvious modification of the system disclosed by Ghanime (USPN 6,591,296), as

evidenced by Levi et al. (USPN 6,477,667).

In an analogous art, Levi et al. (USPN 6,477,667) discloses a system for the

remote monitoring of equipment and email notification of aberrations comprising a table

which associates each of the predefined operating states with a respective distribution

group and information identifying particular information to be included in the message

(column 2, lines 36-37, 43-44; column 4, lines 31-39; column 5, lines 48-49, 60-61).

Given the teaching of Levi et al. (USPN 6,477,667), a person having ordinary skill

in the art would have readily recognized the desirability and advantages of modifying

Ghanime (USPN 6,591,296) by employing the use of a table to associate messages

and multiple addresses with a machine fault. This benefits the system by allowing

multiple users to be alerted to a single problem to bring a faster resolution. Also, the

use of the table allows for fast and reliable updating without a significant amount of

administrative work.

10.   Regarding claims 13 and 15, Ghanime (USPN 6,591,296) teaches a system for

monitoring comprising:

a. A converter which associates predefined operating states on an

individual basis to respective messages and/or alarms (column 3, lines

59-62; column 3, line 59 – column 4, line 5).

b. Means to associate each of the predefined operating states with an

address to whom the SMS message and/or email message is to be

sent (column 4, lines 6-8, 20-34). Note that the MDC is a distribution

group.

c. A transmitter configured to send the message and/or alarm associated

with the one of the predefined operating states after the one of the

predefined operating states is detected, the message and/or alarm

being sent via the SMS message and/or email to the respective

address associated with the detected predefined operating state, the

respective message and/or alarm including the particular information

identified by the information associated with the detected predefined

operating state (column 4, lines 6-8, 20-34).

Although the system disclosed by Ghanime (USPN 6,591,296) shows substantial

features of the claimed invention, it fails to disclose specifically a table which associates

each of the predefined operating states with a respective distribution group and

information identifying particular information to be included in the message.

Nonetheless, these features are well known in the art and it would have been an

obvious modification of the system disclosed by Ghanime (USPN 6,591,296), as

evidenced by Levi et al. (USPN 6,477,667).

In an analogous art, Levi et al. (USPN 6,477,667) discloses a system for the

remote monitoring of equipment and email notification of aberrations comprising a table

which associates each of the predefined operating states with a respective distribution

group and information identifying particular information to be included in the message

(column 2, lines 36-37, 43-44; column 4, lines 31-39; column 5, lines 48-49, 60-61).

Given the teaching of Levi et al. (USPN 6,477,667), a person having ordinary skill

in the art would have readily recognized the desirability and advantages of modifying

Ghanime (USPN 6,591,296) by employing the use of a table to associate messages

and multiple addresses with a machine fault. This benefits the system by allowing

multiple users to be alerted to a single problem to bring a faster resolution. Also, the

use of the table allows for fast and reliable updating without a significant amount of administrative work.

11.   Regarding claims 8, 10, 12, 14, and 16, although the system disclosed by Ghanime (USPN 6,591,296) (as applied to claims 1, 9, 11, 13, and 15) shows substantial features of the claimed invention, it fails to disclose means wherein the table associates at least two of the predefined operating states with a different respective distribution group.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Ghanime (USPN 6,591,296), as evidenced by Levi et al. (USPN 6,477,667).

In an analogous art, Levi et al. (USPN 6,477,667) discloses a system for remote monitoring of equipment wherein the table associates at least two of the predefined operating states with a different respective distribution group (column 2, lines 36-37, 43-44; column 4, lines 31-39; column 5, lines 48-49, 60-61).

Given the teaching of Levi et al. (USPN 6,477,667), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Ghanime (USPN 6,591,296) by employing the use of different distribution groups depending on the type of alarm or message. This benefits the system by allowing errors from different sensors to be sent to different locations that may have greater expertise in that specific fault.

12.   Claims 2 and 3 rejected under 35 U.S.C. 103(a) as being unpatentable over

Ghanime (USPN 6,591,296) and Levi et al. (USPN 6,477,667) as applied to claim 1

above, and further in view of Kuwabara (USPN 6,065,136).

13.   Regarding claim 2, although the system disclosed by Ghanime (USPN

6,591,296) and Levi et al. (USPN 6,477,667) (as applied to claim 1) shows substantial

features of the claimed invention, it fails to disclose means wherein the email has a file

attached to it.

Nonetheless, these features are well known in the art and would have been an

obvious modification of the system disclosed by Ghanime (USPN 6,591,296) and Levi

et al. (USPN 6,477,667), as evidenced by Kuwabara (USPN 6,065,136).

In an analogous art, Kuwabara (USPN 6,065,136) discloses a system for email

notification of alerts wherein the email has a file attached to it (column 5, lines 15-18,

20-23).

Given the teaching of Kuwabara (USPN 6,065,136), a person having ordinary

skill in the art would have readily recognized the desirability and advantages of

modifying Ghanime (USPN 6,591,296) and Levi et al. (USPN 6,477,667) by employing

the use of file attachments in the sending of data. This benefits the system by allowing

for different data types and even programs to be sent along with the email alert.

14.   Regarding claim 3, although the system disclosed by Ghanime (USPN

6,591,296) and Levi et al. (USPN 6,477,667)(as applied to claim 2) shows substantial

features of the claimed invention, it fails to disclose means wherein the file is a trace file,

the trace file including an operating sequence preceding the message and/or alarms.

Nonetheless, these features are well known in the art and would have been an

obvious modification of the system disclosed by Ghanime (USPN 6,591,296) and Levi

et al. (USPN 6,477,667), as evidenced by Kuwabara (USPN 6,065,136).

In an analogous art, Kuwabara (USPN 6,065,136) discloses a system for email

notification of alerts wherein the file is a trace file, the trace file including an operating

sequence preceding the message and/or alarms (column 4, lines 18-23; column 5, lines

15-18).

Given the teaching of Kuwabara (USPN 6,065,136), a person having ordinary

skill in the art would have readily recognized the desirability and advantages of

modifying Ghanime (USPN 6,591,296) and Levi et al. (USPN 6,477,667) by employing

the use of a trace file. This type of file benefits the system by allowing for historical

tracking of the diagnostic data.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Kevin Parton whose telephone number is (703)306-

0543. The examiner can normally be reached on M-F 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Glenton Burgess can be reached on (703)305-4792. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
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